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April 8, 2024

BY ECF

Honorable Katherine Polk Failla
United States District Court
40 Foley Square, Room 2103
New York, New York 10007

MEMO ENDORSED

Re: Jasmine Robertson v. Boutique Tere, Inc. (Case No.: 1:23-cv-05117-KPF)

To the Honorable Katherine Polk Failla:

Plaintiff submits this letter motion respectfully requesting to stay all proceedings in this case, because the Plaintiff in this case has deceased. The Complaint was filed on June 16, 2023 (Docket No: 1) and was served upon the Defendant on June 23, 2023 (Docket No. 6). Plaintiff appeared by counsel on September 13, 2023 (Docket No: 7 & 8). The case was settled in principal and Notice of Settlement was filed on October 26, 2023 (Docket No. 11) and conditional Order of dismissal without prejudice was issued on October 30, 2023 (Docket No. 12). Thereafter, the Court extended the time to file Stipulation of Dismissal, three (3) times to February 5, 2024 (Docket No. 18). Plaintiff filed a letter motion to reopen the case on February 5, 2025. The parties have finalized the terms of a written settlement agreement, but need an authorized agent to execute the agreement on behalf of Plaintiff who has since passed away. On April 4, 2024, the Court directed both parties to file a letter with Court, on or before April 10, 2024, updating the Court as to the status of settlement (Docket No. 20).

Sadly, the undersigned, counsel for the Plaintiff was notified by way of Plaintiff's sister, Ailya Robertson, that Plaintiff has passed away. I am respectfully requesting from the Court to stay all proceedings in this case for a period of ninety (90) days to permit time to the decedent's successor or representative to make a motion for substitution, pursuant to Fed. R. Civ. P. 25(a). The Defendant's attorney has consented to this request. This is the first time Plaintiff's attorney seeks the relief requested, herein.

The undersigned wishes to thank Your Honor and this Court for the time and attention to this matter.

Respectfully,

/s/ Noor A. Saab, Esq.

Noor A. Saab, Esq.
Attorney for the Plaintiff

Application DENIED without prejudice to its renewal as this case is currently closed. Per the April 3, 2024 Court Order (see Dkt. #20), Plaintiff's application to re-open this case was denied without prejudice. Should Plaintiff wish to re-open this case, Plaintiff is welcome to make such a motion as well as a motion for substitution pursuant to Federal Rule of Civil Procedure 25(a).

The Clerk of Court is directed to terminate the pending motion at docket number 21.

Dated: April 9, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE